

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

**Frank M DiBiagio  
Deborah J DiBiagio**  
Debtor(s)

Bankruptcy Case No.: 12-21242-CMB  
Issued Per Dec. 8, 2016 Proceeding  
Chapter: 13  
Docket No.: 221 – 214, 220  
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED  
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

**(1.) PLAN CONFIRMATION:**

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated September 1, 2016 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$4,732 as of December 2016. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☐ H. Additional Terms:

**(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:**

**A. Objections to the Plan.** Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

**B. Applications to retain brokers, sales agents, or other professionals.** If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

**C. Review of Claims Docket and Objections to Claims.** Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

**D. Motions or Complaints Pursuant to §§506, 507 or 522.** All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

**E. Filing Amended Plans.** Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

**A.** After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

**B.** Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

**C.** Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

**D.** Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

**E.** The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

**F.** In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.

  
Carlota M. Böhm, Judge  
United States Bankruptcy Court

Dated: December 16, 2016

cc: All Parties in Interest to be served by Clerk in seven (7) days

## Imaged Certificate of Notice Page 4 of 6

United States Bankruptcy Court  
Western District of PennsylvaniaIn re:  
Frank M DiBiagio  
Deborah J DiBiagio  
DebtorsCase No. 12-21242-CMB  
Chapter 13

## CERTIFICATE OF NOTICE

District/off: 0315-2

User: jhel  
Form ID: 149Page 1 of 3  
Total Noticed: 63

Date Rcvd: Dec 16, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 18, 2016.

db/jdb  
cr +Frank M DiBiagio, Deborah J DiBiagio, 211 Columbia Drive, Aliquippa, PA 15001-1526  
++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238  
(address filed with court: BANK OF AMERICA, 1100 N. King Street,  
Wilmington, DE 19884-0011)

cr CitiMortgage, Inc., PO BOX 6030, SIOUX FALLS, SD 57117-6030  
cr First Tennessee Bank, P.O. Box 2428, Knoxville, TN 37901-2428  
r +Jessica Farinelli, Howard Hanna Real Estate, 1601 Third Street, Beaver, PA 15009-2420  
13383636 +ACAR Leasing LTD, 6400 Main Street, Amherst, NY 14221-5858  
13371299 +AES/PHEAA, PO BOX 8147, HARRISBURG PA 17105-8147  
13321010 ++AMERICREDIT FINANCIAL SERVICES DBA GM FINANCIAL, PO BOX 183853, ARLINGTON TX 76096-3853  
(address filed with court: Americredit, Attention: Bankruptcy, Po Box 183853,  
Arlington, TX 76096)

13321011 +Amex Macy's, 9111 Duke Blvd, Mason, OH 45040-8999  
13321012 Bank Of America, 4060 Ogletown/Stanton Rd, Newark, DE 19713  
13321013 +Barclays Bank Delaware, Attention: Bankruptcy, Po Box 8801, Wilmington, DE 19899-8801  
13321019 ++CITIBANK, PO BOX 790034, ST LOUIS MO 63179-0034  
(address filed with court: Citibank Sd, Na, Citi Corp Credit Services/Attention: Cen,  
Po Box 20363, Kansas City, MO 64195)

13417546 Capital One, N.A., c o Becket and Lee LLP, POB 3001, Malvern, PA 19355-0701  
13321014 +Capital One, N.A., Capital One Bank (USA) N.A., Po Box 30285,  
Salt Lake City, UT 84130-0285

13321015 +Central Tax Bureau, 438 Line Ave, Ste 2, Ellwood City, PA 16117-1121  
13321016 +Chase, Po Box 15298, Wilmington, DE 19850-5298  
13321017 +Chase, Po Box 7013, Indianapolis, IN 46207-7013

13321018 +Chela/Sallie Mae, Attn: Claims Department, Po Box 9500, Wilkes-Barre, PA 18773-9500  
13435799 CitiMortgage, Inc., P.O. Box 688971, Des Moines, IA 50368-8971  
13321020 +Citimortgage Inc, Po Box 6243, Sioux Falls, SD 57117-6243  
13325937 +Citizens Auto Finance, 443 Jefferson Blvd, RJW 135, Warwick RI 02886-1321  
13326719 +Citizens Bank, 443 Jefferson Blvd, RJW 135, Warwick RI 02886-1321  
13321021 +Citizens Bank, Attn: Bankruptcy Department, 480 Jefferson Blvd Ms: Rje-135,  
Warwick, RI 02886-1359

13321022 +Citizens Bank, PO Box 7000, Providence, RI 02940-7000  
13330633 +Department Stores National Bank/American Express, Bankruptcy Processing, Po Box 8053,  
Mason, OH 45040-8053

13330088 +Department Stores National Bank/Macy's, Bankruptcy Processing, Po Box 8053,  
Mason, OH 45040-8053

13321025 +Dsnb Macys, 9111 Duke Blvd, Mason, OH 45040-8999  
13446339 ECMC, PO Box 16408, St. Paul, MN 55116-0408  
13330279 +First Tennessee Bank, P.O. Box 1469, Knoxville, TN 37901-1469  
13321026 +Fst Tn Bk Mp, First Tennessee Bank/Attn: Bankruptcy, Po Box 1469,  
Knoxville, TN 37901-1469

13321028 Heritage Valley Health System - Beaver, PO Box 382094, Pittsburgh, PA 15251-8094  
14190837 +LSF9 Master Participation Trust, 13801 Wireless Way, Oklahoma City, OK 73134-2500  
13418768 Main Street Acquisition Corp., assignee, of CHASE BANK USA, N. A., c o Becket and Lee LLP,  
POB 3001, Malvern, PA 19355-0701

13507952 +Old Republic Insurance Company, c/o Old Republic Equity Credit Services,  
307 N Michigan 15th Floor, Chicago IL 60601-5405

13321032 PA Dept of Revenue, 280408 Strawberry Sq, Harrisburg, PA 17101  
13321033 Sears Credit Cards, PO Box 6282, Sioux Falls, SD 57117-6282  
13321034 +Sears/CBNA, Po Box 6282, Sioux Falls, SD 57117-6282  
13321035 +Target Credit Card (TC), C/O Financial & Retail Services, Mailstop BT P.O. Box 9475,  
Minneapolis, MN 55440-9475

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

cr +E-mail/PDF: acg.acg.ebn@americaninfosource.com Dec 17 2016 01:27:55  
First Tennessee Bank NA, Department, c/o Ascension Capital Group, P.O. Box 201347,  
Arlington, TX 76006-1347

cr E-mail/PDF: EBN\_AIS@AMERICANINFOSOURCE.COM Dec 17 2016 01:30:08  
Midland Funding LLC by American InfoSource LP as a, PO Box 4457, Houston, TX 77210-4457

cr E-mail/PDF: rmscedi@recoverycorp.com Dec 17 2016 01:29:55  
Recovery Management Systems Corporation, 25 S.E. Second Avenue, Suite 1120,  
Miami, FL 33131-1605

13367967 +E-mail/Text: bncmail@w-legal.com Dec 17 2016 01:20:06 BACK BOWL I LLC, SERIES C,  
C O WEINSTEIN AND RILEY, PS, 2001 WESTERN AVENUE, STE 400,  
SEATTLE, WA 98121 SEATTLE, WA 98121-3132

13418795 +E-mail/Text: bnc@bass-associates.com Dec 17 2016 01:19:14 Capital One, N.A.,  
c/o Bass & Associates, P.C., 3936 E. Ft. Lowell Road, Suite #200, Tucson, AZ 85712-1083

13327167 E-mail/Text: mrdiscen@discover.com Dec 17 2016 01:19:15 Discover Bank,  
DB Servicing Corporation, PO Box 3025, New Albany, OH 43054-3025

13321023 +E-mail/Text: mrdiscen@discover.com Dec 17 2016 01:19:15 Discover Fin,  
Attention: Bankruptcy Department, Po Box 3025, New Albany, OH 43054-3025

13321024 +E-mail/Text: mrdiscen@discover.com Dec 17 2016 01:19:15 Discover Financial,  
Attention: Bankruptcy Department, Po Box 3025, New Albany, OH 43054-3025

District/off: 0315-2

User: jhel  
Form ID: 149

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Total Noticed: 63

Date Rcvd: Dec 16, 2016

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

13380081 +E-mail/Text: DQENOTICES@BERNSTEINLAW.COM Dec 17 2016 01:20:39 Duquesne Light Company,  
c/o Bernstein Law Firm, 707 Grant Street, Suite 2200 Gulf Tower,  
Pittsburgh, PA 15219-1908  
13375361 E-mail/PDF: gecscdi@recoverycorp.com Dec 17 2016 01:27:51 GE Capital Retail Bank,  
c/o Recovery Management Systems Corp, 25 SE 2nd Ave Suite 1120, Miami FL 33131-1605  
13321027 +E-mail/PDF: gecscdi@recoverycorp.com Dec 17 2016 01:28:52 Gemb/JC Penny,  
Attention: Bankruptcy, Po Box 103104, Roswell, GA 30076-9104  
13361597 +E-mail/Text: bnc@bass-associates.com Dec 17 2016 01:19:14 HSBC Bank Nevada, N.A.,  
Bass & Associates, P.C., 3936 E. Ft. Lowell Rd., Suite #200, Tucson, AZ 85712-1083  
13321030 E-mail/Text: cio.bncmail@irs.gov Dec 17 2016 01:19:23 Internal Revenue Service,  
PO Box 628, Pittsburgh, PA 15230  
13374582 +E-mail/Text: bncmail@w-legal.com Dec 17 2016 01:20:16  
KEYSTONE RECOVERY PARTNERS LLC, SERIES A, C O WEINSTEIN AND RILEY, PS,  
2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121 SEATTLE, WA 98121-3132  
13401558 +E-mail/Text: bncmail@w-legal.com Dec 17 2016 01:20:16  
Keystone Recovery Partners LLC, Series A, c/o Weinstein & Riley, P.S.,  
2001 Western Ave., Ste. 400, Seattle, WA 98121-3132  
13321031 +E-mail/Text: bnckohlsnotices@becket-lee.com Dec 17 2016 01:19:20 Kohls/Capital One,  
N56 W 17000 Ridgewood Dr, Menomonee Falls, WI 53051-5660  
13508488 E-mail/PDF: resurgentbknofications@resurgent.com Dec 17 2016 01:29:04 LVNV Funding LLC,  
c/o Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587  
13537816 E-mail/PDF: EBN\_AIS@AMERICANINFOSOURCE.COM Dec 17 2016 01:30:08 Midland Funding LLC,  
by American InfoSource LP as agent, PO Box 4457, Houston, TX 77210-4457  
13405464 E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Dec 17 2016 01:28:43  
Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541  
13527793 E-mail/PDF: rmscdi@recoverycorp.com Dec 17 2016 01:29:55 Portfolio Investments II LLC,  
c/o Recovery Management Systems Corporat, 25 SE 2nd Avenue Suite 1120,  
Miami, FL 33131-1605  
13527794 E-mail/PDF: rmscdi@recoverycorp.com Dec 17 2016 01:29:01  
Recovery Management Systems Corporation, 25 S.E. 2nd Avenue, Suite 1120,  
Miami, FL 33131-1605  
13352490 E-mail/PDF: pa\_dc\_litigation@navient.com Dec 17 2016 01:28:04  
Sallie Mae Inc. on behalf of USA FUNDS, Attn: Bankruptcy Litigation Unit E3149,  
P.O. Box 9430, Wilkes-Barre, PA 18773-9430  
13352546 +E-mail/PDF: pa\_dc\_claims@navient.com Dec 17 2016 01:29:00 Sallie Mae Trust,  
c/o Sallie Mae Inc., 220 Lasley Ave, Wilkes-Barre, PA 18706-1496  
13360849 +E-mail/Text: bncmail@w-legal.com Dec 17 2016 01:20:06 TARGET NATIONAL BANK,  
C O WEINSTEIN AND RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132  
13618681 +E-mail/Text: bnc@bass-associates.com Dec 17 2016 01:19:14 eCAST Settlement Corporation,  
c/o Bass & Associates, P.C., 3936 E Ft. Lowell, Suite 200, Tucson, AZ 85712-1083  
TOTAL: 25

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

cr Duquesne Light Company  
cr LSF9 Master Participation Trust  
cr\* +ACAR Leasing LTD, 6400 Main Street, Amherst, NY 14221-5858  
cr\* +AES/PHEAA, PO BOX 8147, HARRISBURG, PA 17105-8147  
cr\* ECMC, P.O. Box 16408, St. Paul, MN 55116-0408  
cr\* +HSBC Bank Nevada, N.A., Bass & Associates, P.C., 3936 E. Ft. Lowell Rd., Suite #200,  
Tucson, AZ 85712-1083  
cr\* +Keystone Recovery Partners LLC, Series A, c/o Weinstein & Riley, P.S.,  
2001 Western Ave., Ste. 400, Seattle, WA 98121-3132  
cr\* +LSF9 Master Participation Trust, 13801 Wireless Way, Oklahoma City, OK 73134-2500  
cr\* LVNV Funding LLC, c/o Resurgent Capital Services, P.O. Box 10587,  
Greenville, SC 29603-0587  
cr\* +Old Republic Insurance Company, c/o Old Republic Equity Credit Services, 307 N. Michigan,  
15th Floor, Chicago, IL 60601-5405  
cr\* +eCAST Settlement Corporation, c/o Bass & Associates, P.C., 3936 E Ft. Lowell, Suite 200,  
TUCSON, AZ 85712-1083  
13362287\* ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238  
(address filed with court: FIA CARD SERVICES, N.A., PO Box 15102,  
Wilmington, DE 19886-5102)  
13391900\* +KEYSTONE RECOVERY PARTNERS LLC, SERIES A, C O WEINSTEIN AND RILEY, PS,  
2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121 SEATTLE, WA 98121-3132  
13321029 ##+Hsbc/boscov, Hsbc, Po Box 5226, Carol Stream, IL 60197-5226

TOTALS: 2, \* 11, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address  
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices  
will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The  
debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

District/off: 0315-2

User: jhel  
Form ID: 149

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Total Noticed: 63

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\*\*\*\*\* BYPASSED RECIPIENTS (continued) \*\*\*\*\*

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Dec 18, 2016

Signature: /s/Joseph Speetjens

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 16, 2016 at the address(es) listed below:

Andrew F Gornall on behalf of Creditor ACAR Leasing LTD agornall@goldbecklaw.com,  
bkgroup@goldbecklaw.com;bkgroup@kmlawgroup.com  
Ann E. Swartz on behalf of Creditor LSF9 Master Participation Trust ecfmail@mwclaw.com  
Edgardo D. Santillan on behalf of Debtor Frank M DiBiagio eds@debtlaw.com,  
eds@debtlaw.com;eds@debtlaw.com;650corpst304bknotbackup15009@gmail.com;eds@debtlaw.com;ed  
s.mycfemail@gmail.com  
Edgardo D. Santillan on behalf of Plaintiff Ronda Winnecour eds@debtlaw.com,  
eds@debtlaw.com;eds@debtlaw.com;650corpst304bknotbackup15009@gmail.com;eds@debtlaw.com;ed  
s.mycfemail@gmail.com  
Edgardo D. Santillan on behalf of Plaintiff Frank M DiBiagio eds@debtlaw.com,  
eds@debtlaw.com;eds@debtlaw.com;650corpst304bknotbackup15009@gmail.com;eds@debtlaw.com;ed  
s.mycfemail@gmail.com  
Edgardo D. Santillan on behalf of Plaintiff Deborah J DiBiagio eds@debtlaw.com,  
eds@debtlaw.com;eds@debtlaw.com;650corpst304bknotbackup15009@gmail.com;eds@debtlaw.com;ed  
s.mycfemail@gmail.com  
Edgardo D. Santillan on behalf of Joint Debtor Deborah J DiBiagio eds@debtlaw.com,  
eds@debtlaw.com;eds@debtlaw.com;650corpst304bknotbackup15009@gmail.com;eds@debtlaw.com;ed  
s.mycfemail@gmail.com  
Francis E. Corbett on behalf of Joint Debtor Deborah J DiBiagio fcorbett@fcorbettlaw.com,  
fcorbett7@gmail.com  
Francis E. Corbett on behalf of Debtor Frank M DiBiagio fcorbett@fcorbettlaw.com,  
fcorbett7@gmail.com  
Jeffrey T. Grossman on behalf of Creditor First Tennessee Bank NA, Department  
JGrossman@grossmanfirm.com,  
JOTtinger@grossmanfirm.com;LMester@grossmanfirm.com;JSchwartz@grossmanfirm.com  
Martin A. Mooney on behalf of Defendant ACAR Leasing LTD tshariff@schillerknapp.com,  
tshariff@ecf.courtdrive.com;kcollins@schillerknapp.com  
Matthew Christian Waldt on behalf of Creditor CitiMortgage, Inc. mwaldt@milsteadlaw.com,  
bkecf@milsteadlaw.com  
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov  
Peter J. Ashcroft on behalf of Creditor Duquesne Light Company pashcroft@bernsteinlaw.com,  
ckutch@ecf.courtdrive.com;pashcroft@ecf.courtdrive.com;pghecf@bernsteinlaw.com;cabbott@ecf.court  
rive.com  
Ronda J. Winnecour cmecf@chapter13trusteewdpa.com

TOTAL: 15